

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 3025 of 1996

with

FIRST APPEAL ST.NO.15821 OF 1989

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA and
MR.JUSTICE R.P.DHOLAKIA

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgement?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

AHMEDABAD MUNICIPAL CORPN.

Versus

CANARA BANK

Appearance:

MR BP TANNA for appellant in both the matters.
MR SIDDHARTH SOMAL, Law Officer for respondent
Canara Bank in both the matters.

CORAM : MR.JUSTICE M.R.CALLA and
MR.JUSTICE R.P.DHOLAKIA

Date of decision: 16/04/99

COMMON ORAL JUDGEMENT

Whereas the delay in both these matters have been

condoned today, the Registry may give the regular number to the First Appeal in which the Stamp No.15821 of 1989 have been given.

2. Admit. Mr.Siddharth Somal waives the service on behalf of the respondent Bank. At the request of both the sides, these two First Appeals are taken up for final hearing.

3. It is the common case of the parties that the controversy involved in this case stands concluded by a judgment of this Court in the case of Municipal Corporation of City of Ahmedabad v. Canara Bank, reported in 1992 (2) GLR 1086 and confirmed by the Supreme Court in the case of Canara Bank and anr. v. Municipal Corporation of Ahmedabad, reported in (1996) 7 SCC 298. It has also been given out by Mr.Siddharth Somal that after the decisions as aforesaid, the Canara Bank itself had given directions to all the respective branches to pay the due amount of taxes to the Municipal Corporation. Both the sides, therefore, agree that these two First Appeals filed by the Municipal Corporation may be allowed. Mr.Siddharth Somal submits that the due amount of tax must have been deposited by the Canara Bank. Mr.Tanna submits that he does not have the factual position readily available with him. His apprehension is that may be that the due amount of tax concerned in these Appeals was not deposited because the matters were pending and the Appeals were time-barred and the applications for condonation of delay were pending, the delay has been condoned today.

4. However, both the sides agree that in case the due amount of tax concerned in these two Appeals has already been paid by the respondent Bank, the Municipal Corporation shall credit it and would not ask any further amount again in this regard and in case the same has not been paid by the respondent Bank, the respondent Bank would deposit the due amount with the Municipal Corporation as concerned in both these Appeals, within a period of one month from today. Both these appeals are decided and allowed accordingly in terms as aforesaid. In the facts and circumstances of this case, there shall be no order as to costs.

sreeram.